

ATTACHMENT 72

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION) Case No.:
-----) 3:21-cv-03825-VC
THIS DOCUMENT RELATES TO:)
ALL CASES) Pages 1 to 49
-----)
SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
Plaintiff,)
)
vs.)
)
INTUITIVE SURGICAL, INC.,)
)
Defendant.)
-----)

DEPOSITION OF:
TODD THOMAS
THURSDAY, NOVEMBER 10, 2022
10:04 a.m.

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5575204
PAGES 1 - 49

1 recently purchased, do you know, were those Xi 10:56:24
2 machines? 10:56:28
3 A That sounds right to me. 10:56:32
4 Q At the time that Valley purchased those 10:56:33
5 machines, it was aware of the terms of the service 10:56:35
6 contract; is that right? 10:56:40
7 A From our history with the previous 10:56:44
8 machines, we -- myself and biomed were, yes, I -- I 10:56:48
9 can't speak to anyone else being aware of. 10:56:54
10 Q Presumably someone at -- at Valley read 10:56:59
11 the service contract before it was executed for those 10:57:01
12 machines? 10:57:03
13 A We did, we being myself and biomed. 10:57:07
14 Q To your knowledge, has -- has Valley ever 10:57:09
15 considered using a third party to service any of the 10:57:21
16 da Vinci robots? 10:57:27
17 A No. 10:57:28
18 MR. BATEMAN: Objection to form. 10:57:28
19 THE WITNESS: Oh, sorry. 10:57:29
20 BY MR. LANNIN: 10:57:32
21 Q No problem. That was a no? 10:57:32
22 A No. 10:57:35
23 Q And, to your knowledge, Mr. Thomas, has 10:57:37
24 any third party ever approached Valley about being able 10:57:40
25 to provide service for the da Vinci robots? 10:57:45

1 wasn't within your portfolio, but I just want to make 11:00:25
2 sure I heard you right. 11:00:30
3 To your knowledge, you haven't heard about 11:00:31
4 Valley exploring purchasing EndoWrists from any entity 11:00:32
5 other than Intuitive; is that right? 11:00:38
6 MR. BATEMAN: Same objection. 11:00:40
7 THE WITNESS: No, I have not. 11:00:41
8 BY MR. LANNIN: 11:00:45
9 Q And appreciating this also might not be 11:01:06
10 within your portfolio, but have you ever heard of a 11:01:09
11 third party approaching Valley to offer or proposing to 11:01:11
12 sell EndoWrist instruments other than Intuitive? 11:01:17
13 MR. BATEMAN: Same objection. 11:01:21
14 THE WITNESS: I have not. 11:01:21
15 BY MR. LANNIN: 11:01:24
16 Q If a third party had approached 11:01:32
17 Intuitive -- I'm sorry, had approached Valley to 11:01:36
18 discuss selling EndoWrist instruments, is it the 11:01:39
19 peri-op group that would have been involved in those 11:01:45
20 discussions? 11:01:48
21 MR. BATEMAN: I'm just going to object. 11:01:48
22 You're just continuing to ask questions that are not 11:01:50
23 within the scopes of topics five and six, Counsel. It 11:01:52
24 seems improper, you know, those just don't cover the 11:01:58
25 sale of EndoWrists. 11:02:04

1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF LOS ANGELES)

4 I, Vickie Blair, CSR No. 8940, RPR-CRR, in
5 and for the State of California, do hereby certify:

6 That, prior to being examined, the witness
7 named in the foregoing deposition was by me duly sworn
8 to testify as to the truth, the whole truth, and
9 nothing but the truth;

10 That said deposition was taken before me
11 at the time and place therein set forth, and was taken
12 down by me stenographically and thereafter transcribed
13 via computer-aided transcription under my direction and
14 is a true record of the testimony given;

15 I further certify I am neither counsel
16 for, nor related to, any party to said action, nor
17 interested in the outcome thereof;

18 IN WITNESS WHEREOF, I have hereto
19 subscribed my name this 30th day of November, 2022.

20
21
22
23 

24 Vickie Blair, CSR No. 8940, RPR-CRR
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